

# House File 138 - Introduced

HOUSE FILE 138

BY SALMON, HEARTSILL, GASSMAN,  
BRANHAGEN, HOLT, and  
KOOIKER

## A BILL FOR

1 An Act eliminating election day and in-person absentee voter  
2 registration.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.2, subsection 1, paragraph a,  
2 subparagraph (2), Code 2015, is amended by striking the  
3 subparagraph.

4 Sec. 2. Section 48A.9, subsection 1, Code 2015, is amended  
5 to read as follows:

6 1. Registration closes at 5:00 p.m. eleven days before each  
7 election except general elections. For general elections,  
8 registration closes at 5:00 p.m. ten days before the election.  
9 An eligible elector may register during the time registration  
10 is closed in the elector's precinct but the registration shall  
11 not become effective until registration opens again in the  
12 elector's precinct, ~~except as otherwise provided in section~~  
13 ~~48A.7A.~~

14 Sec. 3. Section 48A.14, subsection 4, Code 2015, is amended  
15 to read as follows:

16 4. A challenge may be filed at any time. A challenge filed  
17 less than seventy days before a regularly scheduled election  
18 shall not be processed until after the pending election unless  
19 the challenge is filed within twenty days of the commissioner's  
20 receipt of the challenged registrant's registration form or  
21 notice of change to an existing registration. ~~A challenge~~  
22 ~~filed against a person registering to vote pursuant to section~~  
23 ~~48A.7A is considered a challenge to a person offering to vote~~  
24 ~~and must be filed under section 49.79.~~

25 Sec. 4. Section 48A.25A, subsection 1, paragraph b, Code  
26 2015, is amended by striking the paragraph.

27 Sec. 5. Section 48A.26, subsection 3, Code 2015, is amended  
28 to read as follows:

29 3. If the registration form is missing required information  
30 pursuant to section 48A.11, subsection 8, the acknowledgment  
31 shall advise the applicant what additional information is  
32 required. The commissioner shall enclose a new registration  
33 form for the applicant to use. If the registration form has  
34 no address, the commissioner shall make a reasonable effort  
35 to determine where the acknowledgment should be sent. ~~If the~~

~~1 incomplete registration form is received during the period in  
2 which registration is closed pursuant to section 48A.9 but  
3 by 5:00 p.m. on the Saturday before the election for general  
4 elections or by 5:00 p.m. on the Friday before the election  
5 for all other elections, the commissioner shall send a notice  
6 advising the applicant of election day and in-person absentee  
7 registration procedures under section 48A.7A.~~

8 Sec. 6. Section 48A.37, subsection 2, Code 2015, is amended  
9 to read as follows:

10 2. Electronic records shall include a status code  
11 designating whether the records are active, inactive,  
12 incomplete, pending, or canceled. Inactive records are records  
13 of registered voters to whom notices have been sent pursuant  
14 to section 48A.28, subsection 3, and who have not returned the  
15 card or otherwise responded to the notice, and those records  
16 have been designated inactive pursuant to section 48A.29.  
17 Inactive records are also records of registered voters to  
18 whom notices have been sent pursuant to section 48A.26A prior  
19 to July 1, 2015, and who have not responded to the notice.  
20 Incomplete records are records missing required information  
21 pursuant to section 48A.11, subsection 8. Pending records  
22 are records of applicants whose applications have not been  
23 verified pursuant to section 48A.25A. Canceled records are  
24 records that have been canceled pursuant to section 48A.30.  
25 All other records are active records. An inactive record shall  
26 be made active when the registered voter requests an absentee  
27 ballot, votes at an election, registers again, or reports a  
28 change of name, address, telephone number, or political party  
29 or organization affiliation. An incomplete record shall be  
30 made active when a completed application is received from the  
31 applicant and verified pursuant to section 48A.25A. A pending  
32 record shall be made active upon verification or upon the voter  
33 providing identification pursuant to section 48A.8.

34 Sec. 7. Section 49.11, subsection 3, paragraph b,  
35 subparagraph (1), Code 2015, is amended to read as follows:

1 (1) Establish voting centers for the regular city election,  
 2 city primary election, city runoff election, regular school  
 3 election, and special elections. Any registered voter who  
 4 is eligible to vote in the regular city election may vote  
 5 at any voting center in the city. Any registered voter who  
 6 is eligible to vote at the regular school election may vote  
 7 at any voting center in the school district. Any registered  
 8 voter who is eligible to vote in a special election may vote at  
 9 any voting center established for that special election. For  
 10 ~~purposes of section 48A.7A, a voting center shall be considered~~  
 11 ~~the polling place for the precinct in which a person resides.~~

12 Sec. 8. Section 49.77, subsection 4, paragraph b, Code 2015,  
 13 is amended by striking the paragraph.

14 Sec. 9. Section 49.79, subsection 2, paragraph c, Code 2015,  
 15 is amended to read as follows:

16 c. The challenged person is not a resident at the address  
 17 where the person is registered. However, a person who is  
 18 reporting a change of address at the polls on election day  
 19 pursuant to section 48A.27, subsection 2, paragraph "a",  
 20 subparagraph (3), ~~or who is registering to vote pursuant to~~  
 21 ~~section 48A.7A,~~ shall not be challenged for this reason.

22 Sec. 10. Section 53.2, subsection 6, Code 2015, is amended  
 23 to read as follows:

24 6. If an application for an absentee ballot is received  
 25 from an eligible elector who is not a registered voter  
 26 the commissioner shall send the eligible elector a voter  
 27 registration form and another absentee ballot application form.  
 28 ~~If the application is received after the time registration~~  
 29 ~~closes pursuant to section 48A.9 but by 5:00 p.m. on the~~  
 30 ~~Saturday before the election for general elections or by 5:00~~  
 31 ~~p.m. on the Friday before the election for all other elections,~~  
 32 ~~the commissioner shall notify the applicant by mail of the~~  
 33 ~~election day and in-person absentee registration provisions~~  
 34 ~~of section 48A.7A. In addition to notification by mail, the~~  
 35 ~~commissioner shall also attempt to contact the applicant by any~~

~~1 other method available to the commissioner. If the application~~  
~~2 is received so late that it is unlikely that the registration~~  
~~3 form can be returned in time to be effective on election day,~~  
~~4 the commissioner shall enclose with the absentee ballot a~~  
~~5 notice to that effect, informing the eligible elector of the~~  
~~6 registration time limits in section 48A.9.~~

7      Sec. 11. REPEAL. Sections 48A.7A and 48A.26A, Code 2015,  
8 are repealed.

9	EXPLANATION
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10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill eliminates election day and in-person absentee  
13 registration, also known as same-day voter registration, and  
14 restores earlier provisions related to voter registration.